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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,037	01/31/2001	Takashi Kise	1272.C0444	2123
5514	7590	01/13/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PARK, CHAN S	
		ART UNIT		PAPER NUMBER
				2622

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/774,037	KISE, TAKASHI	
	Examiner	Art Unit	
	CHAN S. PARK	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 October 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-5,8,10 and 18-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3-5,8,10 and 18-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/05 has been entered.

Response to Amendment

2. Applicant's amendment was received on 10/3/05, and has been entered and made of record. Currently, **claims 1, 3-5, 8, 10 and 18-21** are pending.

Response to Arguments

3. Upon review of the reference of Michel et al. (U.S. Patent No. 6,215,562), which was cited in the Office Action dated 6/27/05 under 35 U.S.C. 102(e), as being anticipating **claims 1, 3-5, 8, 10 and 18-21**, the examiner notes that the reference can still be interpreted as anticipating the claims, as currently amended.

Particularly, as amended, claims 1, 8, 18 and 19 now require "generating calibration data based on measuring data of a printed test pattern" and "correcting test pattern data including a plurality of different data, using the calibration data". Michel teaches the method of calibrating the printer by comparing the two test patterns printed using the original values and the new values (S318). When the calibration based on the new values (which is interpreted as the claimed "calibration data") is not satisfied, the method goes back to S301 in fig. 3A to generate a new set of calibration data based on the previous test pattern (col. 7, lines 9-42).

Moreover, the applicant argues that Michel fails to disclose or suggest the step of printing non-corrected test pattern as is recited in claim 1. Examiner respectfully disagrees. Referring to fig. 3B, Michel clearly teaches the method of printing two test patterns (S314 - S317). The user is given an option of printing the original value test pattern page (non-corrected test pattern) and the new value test pattern page (corrected test pattern). Examiner construes the test pattern that uses the original calibration values of Michel as the non-corrected test pattern since no calibration/correction has been performed to the original calibration value test pattern according to the method

shown between S305 and S318. The actual calibration/correction is only performed in step S316 with the new calibration values (new values).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 8, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, for example, it recites "generating calibration data based on measuring data of a printed test pattern". It is unclear if this "printed test pattern" is printed from the non-corrected test pattern data. If yes, Examiner respectfully requests to amend the claim as "printed non-corrected test pattern" and to provide where in the Original Specification this limitation is disclosed/shown. Furthermore, if the non-corrected test pattern is printed in the generating calibration data step, it is unclear if this non-corrected test pattern is printed again after the judging step.

Clarification/explanation is respectfully requested.

With respect to claims 8, 18 and 19, arguments analogous to those presented for claim 1, are applicable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 8, 10 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Michel et al. U.S. Patent No. 6,215,562 (hereinafter Michel).

5. With respect to claim 1, Michel teaches a test printing method capable of printing a test pattern and a non-corrected test pattern with which the test pattern is compared (col. 8, lines 22-54), said method comprising steps of:

generating calibration data based on measuring data of a printed test pattern (fig. 3A & col. 7, lines 9-20);

correcting test pattern data including a plurality of different data, using the calibration data (applying the “new values” in calibrating the test pattern);

printing the test pattern based on the corrected test pattern data (S317);

judging whether or not to print the non-corrected test pattern, based on a state of an input by an operation of a user (color test page that uses original values S314 & S315); and

controlling execution of said printing step based on a judgment made in said judging step,

wherein when the judgment is to print the non-corrected test pattern, said controlling step includes controlling said printing step so that the test pattern and the non-corrected test pattern are printed (selecting Yes at S315 & S317 and col. 7, lines 42-45).

6. With respect to claim 3, Michel teaches the test printing method as claimed in claim 1, wherein the input is an input through a switch which can be operated so that setting is made to print only the corrected test pattern or to print the test pattern and the non-corrected test pattern (col. 7, lines 42-45).

7. With respect to claim 4, Michel teaches the test printing method as claimed in claim 3, further comprising the step of printing the non-corrected test pattern as well as making the switch operated so that setting is made to print only the corrected test pattern, when it is judged in said judging step that the switch is to be operated so that setting is made to print the corrected test pattern and the non-corrected test pattern (col. 7, lines 42-45).

8. With respect to claim 5, Michel teaches the test printing method as claimed in claim 1, wherein the input is an input through a switch which can be operated in connection with other predetermined operation input, so that setting is made to print only the corrected test pattern or to print the corrected test pattern and the non-corrected test pattern (col. 7, lines 42-45).

9. With respect to claim 8, arguments analogous to those presented for claim 1, are applicable.

10. With respect to claim 10, arguments analogous to those presented for claim 3, are applicable.

11. With respect to claim 18, arguments analogous to those presented for claim 1, are applicable.

12. With respect to claim 19, arguments analogous to those presented for claim 1, are applicable.

13. With respect to claim 20, Michel teaches the test printing method as claimed in claim 1, wherein data for the non-corrected test pattern is not processed using the calibration data (original values at S316 & S317).

14. With respect to claim 21, Michel teaches the test printing method as claimed in claim 1, wherein the calibration data include gradation correction condition for a plurality of colors, and the corrected test pattern includes the patterns of the plurality of colors, and further comprising the steps of:

displaying the gradation correction condition for the plurality of colors (col. 5, lines 38-60); and

editing the displayed gradation correction condition in accordance with the operation of the user (col. 7, lines 1-42 & col. 8, lines 1-14).

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park
Examiner
Art Unit 2622

csp
January 6, 2006



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